

ORDINANCE 87- 4

To Amend the outline plan for the
Planned Commercial Development
RE: Whitehall Plaza
West Third St. (Lee & Urbahns)

WHEREAS, the Common Council passed a Zoning ordinance amendment and adopted new incorporated zoning maps on June 7, 1978 which are now incorporated in Title 20 of the Bloomington Municipal Code; and

WHEREAS, the Plan Commission has considered this, PCD-103-85 and recommended that the petitioner, Lee & Urbahns be granted an amendment to an approved Planned Commercial Development outline plan that the Common Council consider their petition for amendment to said approved outline plan for certain property:

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Through the authority of IC 36-7-4 that the outline plan be amended for property located at the Southwest corner of 37 Bypass and West Third St. and

A part of the Northeast Quarter of Section 1, Township 8 North, Range 2 West, Monroe County, Indiana, described as follows: Beginning at a point that is 1,550.00 feet South of the Northwest corner of the Northeast Quarter of said Section 1, said point being in the center line of Curry Pike, thence South over and along said centerline of Curry Pike for a distance of 310.00 feet, thence East for a distance of 540.50 feet, thence N 06°37'30" E for a distance of 312.08 feet, thence West for a distance of 576.50 feet to the place of beginning;

for the use and benefit of the owners of the following described lands:

A part of the Northeast quarter of Section 1, Township 8 North, Range 2 West, Monroe County, Indiana, described as follows: Beginning at the Northeast corner of the said Northeast quarter; thence North 89 degrees 27 minutes 38 seconds West on the North line of the Northeast quarter for 99.62 feet, thence South 00 degrees 15 minutes 42 seconds East for 102.59 feet, to the point of beginning, this being also the South right-of-way of State Road 48; thence North 89 degrees 19 minutes 24 seconds West 325.37 feet; thence North 79 degrees 51 minutes 12 seconds West 356.53 feet; to a concrete marker, thence North 89 degrees 27 minutes 38 seconds West on said South right-of-way for 844.07 feet, to an iron pipe, being 40.00 feet South of the North line of the said Northeast quarter and 985.00 feet East of the Northwest corner of the said Northeast quarter, thence leaving the South right-of-way of State Road 48 and running South 00 degrees 23 minutes 08 seconds East parallel with the West line of the said Northeast quarter for 100.00 feet, thence North 89 degrees 35 minutes 37 seconds West for 75.00 feet, thence South 00 degrees 23 minutes 08 seconds East for 170.00 feet, thence North 89 degrees 35 minutes 37 seconds West for 509.04 feet, thence South 00 degrees 23 minutes 08 seconds East for 619.28 feet, thence South 89 degrees 35 minutes 37 seconds East for 308.54 feet, thence South 07 degrees 20 minutes 54 seconds West for 312.07 feet, thence South 16 degrees 02 minutes 04 seconds West for 321.90 feet, thence South 06 degrees 14 minutes 54 seconds West for 311.59 feet, thence North 89 degrees 35 minutes 37 seconds West for 38.50 feet, thence South 00 degrees 23 minutes 08 seconds East for 346.50 feet, thence South 88 degrees 09 minutes 42 seconds East for 492.14 feet to an iron pipe on the North right-of-way of the Illinois Central Railroad, thence along the said railroad right-of-way on a curve to the right, said curve having a length of 1,116.29 feet and a chord bearing on North 60 degrees 32 minutes 06 seconds East with a chord length of 1,115.22 feet, thence along said right-of-way North 65 degrees 01 minutes 43 seconds East for 346.85 feet, thence along said right-of-way North 65 degrees 48 minutes East for 333.86 feet and to the West right-of-way of State Road 37; thence North 00 degrees 20 minutes 30 seconds West on the said road right-of-way for 1,205.41 feet, thence North 52 degrees 42 minutes 40 seconds West 108.37 feet to the Point of Beginning. Containing in all

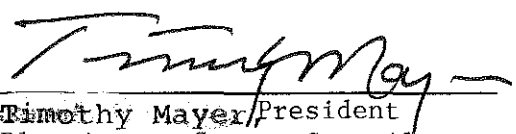
83.31 acres, more or less. Subject to all existing utilities easements and rights-of-way.

EXCEPTING THEREFROM: A part of the Northeast Quarter of Section 1, Township 8 North, Range 2 West, Monroe County, Indiana, described as follows: Beginning at the Northwest corner of the said Northeast Quarter, thence 40.00 feet South, thence East for 1,070 feet and to the true point of beginning; thence continuing South 89 degrees 27 minutes 38 seconds East for 200.00 feet along South right-of-way line of State Road 48; thence South 23 minutes 8 seconds East for 265.00 feet; thence North 89 degrees 27 minutes 38 seconds West for 200.00 feet; thence North 23 minutes 8 seconds West for 265.00 feet to the true point of beginning. Containing in all 1.217 acres more or less.


SECTION II. Through the authority of IC 36-7-4 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, that an outline plan be amended for the above-mentioned Planned Commercial Development.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18 day of February, 1986.


Timothy Mayer, President
Bloomington Common Council

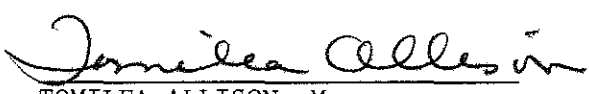
ATTEST:


PATRICIA WILLIAMS, City Clerk

Presented by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 19 day of February, 1986.


PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 20 day of February, 1986.


TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

Approval of this ordinance would amend the outline plan for this planned commercial development to eliminate the access drive to Curry Pike.

Signed copies to:
Planning
Petitioners

ORDINANCE CERTIFICATION

In accordance with IC 18-7-4-508, I hereby certify that the attached Ordinance Number 87- , is a true and complete copy of Plan Commission Case Number PCD-103-85 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on December 15, 1986.

Timothy A. Mueller
Planning Director

Date: December 29, 1986

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this day of

Patricia Williams
Patricia Williams, City Clerk

Appropriation Ordinance # _____ Fiscal Impact Statement # _____ Resolution# _____
Ordinance

Type of Legislation:

Appropriation _____	End of Program _____	Penal Ordinance _____
Budget Transfer _____	New Program _____	Grant Approval _____
Salary Change _____	Bonding _____	Administrative Change _____
Zoning Change _____	Investments _____	Short-Term Borrowing _____
New Fees _____	Annexation _____	Other _____

Change to the outline plan

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____ Emergency _____
Unforeseen Need _____ Other _____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	_____	_____
Revenue Expected for Rest of year	_____	_____
Appropriations to Date	_____	_____
Unappropriated Balance	_____	_____
Effect of Proposed Legislation(+/-)	_____	_____
Projected Balance	\$ _____	\$ _____

Signature of Controller _____

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes _____ No X

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

The property is not in the corporate limits.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary)

Agency submitting legislation _____ Planning Department

By Timothy Mueller

Date December 29, 1986

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Law Offices of
Geoffrey M. Grodner
Professional Corporation

Mr. Timothy Mueller
February 17, 1987
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Geoffrey M. Grodner
JAMES J. BAUER

February 17, 1987

Mr. Timothy Mueller
Director, Plan Department
City of Bloomington
P.O. Box 100
Bloomington, Indiana 47402

Re: Whitehall Plaza

Dear Mr. Mueller:

This letter will confirm our several conversations with regard to the pending request for amendment of the outline plan for Whitehall Plaza. Based upon those conversations, my client, Lee Urbahns Company, developers of Whitehall Plaza, is prepared to agree to the following terms and conditions:

1. The outline plan will be amended to permit the development of two (2) lots in the industrial park section of Whitehall Plaza without triggering the requirement to construct the access road to Curry Pike. Development of additional lots in the industrial park section will require construction of the access road, unless that road is permanently eliminated as an element of the outline plan as provided for in paragraph 3 below.

2. Lee Urbahns Company agrees to contribute one half the actual cost of installation of a traffic light at the corner of Whitehall Pike and the west entrance road to Whitehall Plaza. Said traffic light shall be constructed and installed in accordance with the specific preliminary design plans prepared by the City of Bloomington and previously provided to Lee Urbahns Company for approval. A copy of those plans is attached hereto as Exhibit A and made a part hereof. Lee Urbahns Company further agrees to construct or pay for the construction of the specific road improvements to Whitehall Pike designated in red on Exhibit A.

3. Upon completion of the installation of the traffic light, the existing outline plan requirement for construction of an access road to Curry Pike shall be permanently waived and removed by the City and the outline

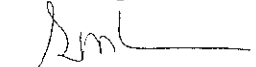
plan shall be deemed to have been amended accordingly to permanently remove construction of the Curry Pike access road as a requirement for further development of any property within Whitehall Plaza.

4. In the event the traffic light is not installed within three (3) years through no fault of Lee Urbahns Company, the obligation of Lee Urbahns Company to contribute to installation of the traffic light and associated road improvements as shown on Exhibit A shall be deemed null and void. Further, the requirement for construction of the access road to Curry Pike as a condition of development of more than the two industrial park lots described in paragraph 1 above shall remain in full force and effect, and, with the exception of the approval for development of the two industrial park lots described in paragraph 1 above, both parties shall be restored to their respective legal positions as existed prior to approval of this agreement.

Lee Urbahns will confirm in writing their approval of this agreement upon Mr. Urbahns return to Indiana on Thursday of this week.

Please advise me immediately if this letter correctly states your understanding of our discussions. We can then present this agreement as an amendment to the approval of the outline plan revision currently pending before the Common Council.

Sincerely,


Geoffrey M. Grodner

GMG/nb
Enclosures

cc: John Urbahns
Mike Kensill

g028-007